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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,065	06/22/2006	Daniel Nilsson	284135US2PCT	3945
22850 7590 03/04/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER SMITH, CHENEA				
ART UNIT 2421		PAPER NUMBER		
NOTIFICATION DATE 03/04/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary

Application No.

10/564,065

Applicant(s)

NILSSON ET AL.

Examiner

CHENEY P. SMITH

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 14-16, 18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 14-16, 18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 10/08/2009 with respect to the rejection(s) of claim(s) 12-23 under USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mostafa in view Vitikainen, Wantanabe, Richardson, Jason and Inoha (all made of record).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-14 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mostafa (of record) in view of Vitikainen et al. (US20030065802, hereinafter Vitikainen), Wantanabe (US20020095683, hereinafter Wantanabe), Richardson (of record), Jason (of record) and Inoha (US6889327, hereinafter Inoha).

Regarding claims 12 and 20-22, Mostafa discloses a procedure to transmit streaming video data to a terminal with video a client (receiver 24, see Fig. 2) within a system that includes

a network (see Fig. 2) and the terminal (see Fig. 2), wherein the network includes a streaming server (media server 22, see Fig. 2 and [0103]) and an MMS server (MMS server 23, see Fig. 2), and the terminal includes an MMS client (see Fig. 2), a streaming client (see Fig. 2), a streaming buffer to buffer streaming data (memory 56, see Fig. 5 and [0125], lines 16-19), and a display unit to display the streaming video data (see Fig. 2), the procedure comprising:

buffering a first time interval of the streaming video data, to display the first time interval on the display unit (see [0105], lines 1-11), and at a same time as a first time interval is being displayed on the display unit, new streaming data of the streaming video data are transmitted to the terminal (see [0105], lines 1-11),

and before a streaming service is initialized, an MMS notification message is initially transmitted to the terminal, (see Mostafa, [0104] – [0105], line 5), the MMS including information about the data flow (see Mostafa, [0104], lines 6-12).

Mostafa does not specifically disclose dividing streaming information into high prioritized data which are I-frames, and low prioritized data which are P-frames,

wherein the high prioritized data are transmitted via a secure medium,

and the low prioritized data are transmitted over a standard channel,

displaying, after the transmission of the high and low prioritized data, the high and low prioritized data in a correct sequence continually in the terminal,

wherein the high prioritized data are transmitted via MMS and the low prioritized data are transmitted via streaming, or

an MMS notification message including buffer data, the buffer data being initial streaming video data that can be stored on the terminal prior to a user of the terminal starting a streaming service such that the streaming client can start streaming of buffer data without delay.

In an analogous art, Vitikainen discloses an MMS notification message including buffer data (buffer data being the preview, see Vitikainen, [0046], lines 7-16 and [0068], lines 1-15), the buffer data being initial streaming video data that can be stored on the terminal prior to a user of the terminal starting a streaming service (see Vitikainen, [0068], lines 1-15).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify Mostafa's system to include the limitations as taught by Vitikainen for the advantage of further providing information about the media content to be stored, and for the conservation of bandwidth.

Mostafa in view of Vitikainen does not specifically disclose dividing streaming information into high prioritized data which are I-frames, and low prioritized data which are P-frames,

wherein the high prioritized data are transmitted via a secure medium,

and the low prioritized data are transmitted over a standard channel,

displaying, after the transmission of the high and low prioritized data, the high and low prioritized data in a correct sequence continually in the terminal,

wherein the high prioritized data are transmitted via MMS and the low prioritized data are transmitted via streaming, or video data that can be stored on the terminal such that the streaming client can start streaming of buffer data without delay.

In an analogous art, Wantanabe discloses video data that can be stored on the terminal such that the streaming client can start streaming of buffer data without delay (see Wantanabe, [0056], lines 1-9 and Fig. 2).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Mostafa in view of Vitikainen to include the limitations as taught by Wantanabe for the advantage of providing an improved method of reducing the waiting time of a viewer of streaming content, as well as conserving bandwidth.

Mostafa in view of Vitikainen and Wantanabe does not specifically disclose dividing streaming information into high prioritized data which are I-frames, and low prioritized data which are P-frames,

wherein the high prioritized data are transmitted via a secure medium,

and the low prioritized data are transmitted over a standard channel,

displaying, after the transmission of the high and low prioritized data, the high and low prioritized data in a correct sequence continually in the terminal, or

wherein the high prioritized data are transmitted via MMS and the low prioritized data are transmitted via streaming.

In an analogous art, Richardson discloses dividing information into high prioritized data (see [0016], lines 4-9) which are I-frames (see [0016], lines 13-20), and low prioritized data (see [0016], lines 4-9) which are P-frames (see [0016], lines 13-20), and

displaying, after the transmission, the high and low prioritized data in a correct sequence continually in the terminal (see [0020], lines 15-22).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Mostafa in view of Vitikainen and Wantanabe to include the limitations as disclosed by Richardson, for the advantage of improving network efficiency.

Mostafa in view of Vitikainen, Wantanabe and Richardson does not specifically disclose wherein the high prioritized data are transmitted via a secure medium and the low prioritized data are transmitted over a standard channel, or

wherein the high prioritized data are transmitted via MMS and the low prioritized data are transmitted via streaming.

In an analogous art, Jason discloses high prioritized data transmitted via a secure medium, and whereas low prioritized data transmitted over a standard channel (see col 4, lines 4-50)

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Mostafa in view of Vitikainen, Wantanabe and Richardson to include the limitations as disclosed by Jason for the advantage of improving network efficiency.

Mostafa in view of Vitikainen, Wantanabe, Richardson and Jason does not specifically disclose wherein the high prioritized data are transmitted via MMS and the low prioritized data are transmitted via streaming.

In an analogous art, Inoha discloses I frames being extracted from a video signal for the purpose of sending a preview of video content to a user (see Inoha, col 1, lines 41-53 and col 5, lines 34-51).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Mostafa in view of Vitikainen, Wantanabe, Richardson and

Jason to include the limitations as taught by Inoha for the advantage of providing an improved system of secure video sharing, and therefore, the system of Mostafa in view of Vitikainen, Wantanabe, Richardson, Jason and Inoha reasonably discloses wherein the high prioritized data are transmitted via MMS and the low prioritized data are transmitted via streaming.

Regarding claim 14, Mostafa in view of Vitikainen, Wantanabe, Richardson, Jason and Inoha discloses just any amount (see Mostafa, [0098], lines 15-19) of high prioritized data (see Richardson, [0016], lines 4-9 and 13-20) can be transmitted in an MMS message (see Mostafa, [0098], lines 15-19).

Regarding claim 23, Mostafa in view of Vitikainen, Wantanabe, Richardson, Jason and Inoha discloses the MMS notification message being sent to the terminal prior to the user requesting to start a streaming session for receiving the video data (see Mostafa, [0098], lines 6-9 and [0107], lines 11-15).

4. Claims 15-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mostafa (of record) in view of Vitikainen (previously cited), Wantanabe (previously cited), Richardson (of record), Jason (of record) and Inoha (previously cited), as applied to claim 12 above, and further in view of Cooper (of record).

Regarding claim 15, Mostafa in view of Vitikainen, Wantanabe, Richardson, Jason and Inoha discloses wherein all high prioritized data (I-frames, see Richardson, [0016], lines 4-9 and 13-20) are transmitted via MMS (see Mostafa, Fig. 2), but does not specifically disclose data transmitted at a short video sequence.

In an analogous art, Cooper discloses data transmitted at a short video sequence (see [0019], lines 18-31).

It would have been obvious for a person having ordinary skill in the art at the time of the invention to modify the system of Mostafa in view of Vitikainen, Wantanabe, Richardson, Jason and Inoha to include the limitations as disclosed by Cooper for the advantage of providing a representation of full video to be received.

Regarding claim 16, Mostafa in view of Vitikainen, Wantanabe, Richardson, Jason and Inoha, and further in view of Cooper discloses wherein asymmetrical (see Cooper, [0016], lines 1-6 and [0019], lines 18-31) high prioritized data (I-frames, see Richardson, [0016], lines 4-9 and 13-20) are transmitted via MMS (see Mostafa, Fig. 2) at long video sequences (see Cooper, [0016], lines 1-6 and [0019], lines 18-31).

Regarding claim 18, Mostafa in view of Vitikainen, Wantanabe, Richardson, Jason and Inoha, and further in view of Cooper discloses wherein the procedure includes:

the streaming client putting the buffer data enclosed in the MMS notification message (see Vitikainen, [0046], lines 7-16 and [0068], lines 1-15) in its streaming buffer (see Vitikainen, [0046], lines 7-16 and [0068], lines 1-15),

the terminal initiating a session with the streaming server which starts streaming back the rest of the streaming video data (see Vitikainen, [0046], lines 7-16 and [0068], lines 1-15 and Mostafa, [0105], lines 1-14),

transmitting the rest of the streaming video data to the streaming client (see Mostafa, [0105], lines 1-14), and

the streaming client putting the rest of the streaming video data in the streaming buffer (see Vitikainen, [0046], lines 7-16 and [0068], lines 1-15 and Mostafa, [0105], lines 1-14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENEA P. SMITH whose telephone number is (571)272-9524. The examiner can normally be reached on Monday through Friday, 7:30 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

/Chenea P. Smith/
Examiner, Art Unit 2421

